

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty First Judicial District Court, County of Ravalli

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-17-034
-vs-)	
)	DECISION
ZACHARIAH JOSEPH CURRAN,)	
)	
Defendant.)	

On August 30, 2017, the District Court sentenced the Defendant as follows:

Charge I: Criminal Possession of Dangerous Drugs – committed to the Montana Department of Corrections for five (5) years, none of which was suspended, with credit for 91 days served;

Charge II: Criminal Possession of Dangerous Drugs – committed to the Montana Department of Corrections for five (5) years, none of which was suspended, to run concurrently with Charge I;

Charge III: Crim. Possession of Drug Paraphernalia – committed to the Ravalli County Detention Center for 180 days, all suspended, to run concurrently with Charges I and II;

Charge IV: Fleeing From or Eluding Police Officer – committed to the Ravalli County Detention Center for 360 days, all suspended, to run concurrently with Charges I, II and III;

Charge V: Driving a Motor Vehicle While Privilege to do so is Suspended or Revoked - committed to the Ravalli County Detention Center for 180 days, all suspended, to run concurrently with Charges I, II, III and IV;

Charge VI: Speeding on Non-Interstate – Exceed Night Limit of 65 MPH – ordered to pay \$100 fine; and

Charge VII: Fail to Carry Proof or Exhibit/ Insurance in Vehicle – Owner or Operator, 3rd or Subsequent Offense - committed to the Ravalli County Detention Center for 10 days, all suspended, to run concurrently with Charges I, II, III, IV and V, and a \$500 fine, all of which was suspended. The Defendant received credit for time served against his fines. The Court recommended the Defendant be screened for a Pre-Release placement. Conditions were set forth in the Judgment for the suspended portions of the sentences.

On February 22, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter “the Division”). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further

advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 22nd day of February, 2018.

DATED this 9th day of March, 2018.

SENTENCE REVIEW DIVISION



Hon. Kathy Seeley, Chairperson

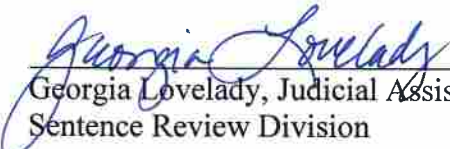


Hon. Brenda Gilbert, Member



Hon. Dan Wilson, Member

Copies mailed this 13th day
of March, 2018, to:
Clerk of District Court (Original)
Zachariah Joseph Curran #2063269, Defendant (2)
Hon. Jeffrey H. Langton
Brent Getty, Defense Counsel
Thorin Geist, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division